

deficiencies in the revenue, and to provide the mode and manner of the sale of said bonds."

The President referred House bill No. 9, "An act to amend articles 3201, 3222 and 3225 of the Revised Civil Statutes," etc., to Judiciary Committee No. 1.

House bill No. 136, "An act to amend chapter 79 of the acts of 1883, entitled 'an act to amend section 46 of an act to encourage stockraising and to protect stockraisers,'" etc., to Committee on Stock and Stockraising.

House bill No. 116, "An act to amend section 18 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held,'" etc., to Judiciary Committee No. 2.

House bill No. 249, "An act to repeal an act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same, also to validate bonds heretofore issued for bridge purposes," etc.

Referred to Finance Committee.

Senator Bell submitted the following privileged reports:

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 25, being "An act to abolish the office of Fish Commissioner, and dispose of all fish ponds and other property connected with or belonging to the fish department," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 11, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bills Nos. 160 and 161, being "An act to amend articles 595 and 610 of the Revised Statutes of the State of Texas," and find the same correctly engrossed.

BELL, Chairman.

On motion of Senator Shannon,
The Senate adjourned till 10 o'clock to-morrow morning.

TWENTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, February 13, 1885.

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Davis,

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Houston of Bexar:

Memorial from the officers and citizens of Maverick

county, praying for the retention of the frontier forces in full efficiency.

Referred to Finance Committee.

By Senator Terrell:

A petition protesting against the passage of the Houston (of Bexar) insurance bill.

Referred to Committee on Insurance, Statistics and History.

REPORTS OF STANDING COMMITTEES.

By Senator Houston of Bexar:

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 75, entitled "An act to amend articles 2489, 2490, 2493, 2505, 2506, 2550, 2557, 2562, 2563, 2565, 2566, 2574, 2575, 2611, 2614, 2632, 2649 and 2677 of the Revised Statutes of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it be considered in committee of the whole Senate.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 62, entitled "An act to amend articles 1801, 1802, 1823, 1867, 1921, 1923, 1924, 1932, 1934, 1944, 1949, 1964, 1973, 1974, 1978, 2025, 2041, 2056, 2057, 2067, 2068, 2070, 2071, 2072, 2081 and 2082 of the Revised Statutes of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it be considered in committee of the whole Senate.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 185, entitled "An act to provide for an occupation tax upon telephone companies, and to repeal all laws in conflict herewith," have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it lie on the table, for the reason that bills providing for the levying of a tax cannot originate in the Senate.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 191, entitled "An act to amend article 2219 of chapter 2, of title 38 of the Revised Statutes of the State of Texas, have carefully examined the same, and a majority of the committee instruct me to report the same back to the Senate with the recommendation that it do not pass.

Respectfully submitted.

HOUSTON of Bexar, Chairman.

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 47, entitled "An act to repeal articles 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822 and 2823 of the Revised Civil Statutes of Texas, and to provide for the performance of the duties required by law of the Commissioner of Insurance, Statistics and History," have carefully considered the same, and a majority of your committee instruct me to report the same back to the Senate with the recommendation that it do not pass, because the bill seeks to abolish the department and office of Commissioner of Insurance, Statistics and History, and they are of opinion that said department is useful and important to the people of Texas, and should not be abolished.

All of which is respectfully submitted.

HOUSTON of Bexar, Chairman.

Senator Davis submitted the following minority report on Senate bill No. 47:

COMMITTEE ROOM,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

The undersigned, members of your Judiciary Committee No. 1, respectfully dissent from the views of the majority of said committee, who have reported adversely on Senate bill No. 47, which seeks to abolish the so-called Department of Insurance, Statistics and History, and to transfer its business to the Comptroller's Office. For the last two years said department has cost the State, for salary of Commissioner and clerical force, \$6300 per annum. The duties of the office are merely clerical, and the proof before the committee abundantly established that they could be discharged by one clerk, who could be procured at a salary of \$1500 per annum. By abolishing the pretended department, and transferring the business to the Comptroller's department, the work could be done as efficiently at a cost of \$1500 per annum as it has heretofore been done at a cost of \$6300. It is not the duty of the State to create unnecessary offices in order to furnish places and sinecures for men, however worthy they may be; and we owe it to the people that no unnecessary officers are retained at the expense of the taxpayers. We therefore respectfully recommend that said bill do pass, and that a useless and unnecessary department be no longer maintained at the expense of this State

DAVIS,
WOODS,
SHANNON,
TERRELL.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 113, being "An act to repeal section 4 of an act entitled 'an act defining who are officers of this State, and prescribing their rights, powers, duties and privileges,' approved February 15, 1881," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Traylor:

"An act to amend section 4 of 'an act to provide for the more efficient management of the Texas State penitentiaries, and to make an appropriation therefor,' approved April 18, 1883."

Referred to Committee on Penitentiaries.

By Senator Woods, by request:

"An act to provide and make an appropriation for the payment of fees in felony cases due by the State of Texas to John E. McMullen, district clerk, and A. W. Murray, late sheriff of Wilson county, Texas."

Referred to Finance Committee.

By Senator Calhoun:

"An act for the relief of D. C. B. Dunlap, and to make an appropriation therefor."

Referred to Committee on Claims and Accounts.

By Senator Terrell:

A bill to preserve the charters of railway companies that, by reason of the financial condition of the country, have not constructed the number of miles of road annually required by law, and to prevent the forfeiture thereof.

Referred to Committee on Internal Improvements.

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 14, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of the following bills:

House bill No. 155, "An act regulating the manner of taking testimony in civil cases."

House bill No. 375, "An act to prescribe the time of holding the district courts in the twenty-first judicial district, so as to allow additional time for holding said court in Burleson county."

A. D. SADLER, Chief Clerk.

The President referred House bill No. 155 to Judiciary Committee No. 1, and House bill No. 375 to Committee on Judicial Districts.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the following action of the House:

House bill No. 36, "An act to amend article 625 of the Code of Criminal Procedure, relating to challenges to the array."

Substitute House bills Nos. 13, 61, 64, 104 and 161, with Senate amendments.

The House concurs in first Senate amendment and non-concurs in second Senate amendment.

A. D. SADLER, Chief Clerk.

The President referred House bill No. 36 to Judiciary Committee No. 1.

The hour having arrived for the sitting of the committee of the whole,

The Senate went into the committee of the whole on the consideration of Senate bill No. 7, and Senate bill No. 195.

(Senator Pope in the chair.)

IN THE SENATE.

(The President in the chair.)

Senator Pope, chairman of the committee of the whole, reported that the committee of the whole had substituted Senate bill No. 195, "An act to provide for the classification, sale and lease of lands heretofore or hereafter surveyed and set apart for the benefit of the common school, University, Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds," for Senate bill No. 7, "An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the common school, University, Blind, Deaf and Dumb, Lunatic and Orphan Asylum funds of the State of Texas, and to repeal all laws in conflict therewith;" and ask leave to sit again Monday after morning call.

The report of the committee was adopted.

The following privileged reports were submitted.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled bills have carefully examined and compared Senate bill No. 150, being "An act to amend sections 9 and 10 of 'an act to provide for the classification, sale and lease of the lands heretofore or hereafter set apart for the benefit of the Common school, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds,' and find the same correctly enrolled, and have this day, at 10:40 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

COMMITTEE ROOM,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 112, being "An act to provide for the issuance and sale of the bonds of the State to supply deficiencies in the revenue, and to provide the manner of the sale of said bonds," and find the same correctly enrolled, and

have this day, at 10:40 o'clock a. m., presented the same to the Governor for his approval.

All of which is respectfully submitted.

FOWLER, Chairman.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 12, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 96, being "An act to punish for deer hunting by fire light at night time," and find the same correctly engrossed.

BELL, Chairman.

Senate bill No. 84, "An act to amend article 178, chapter 4 of title 6 of the Penal Code," was laid before the Senate as the first special order, and read second time and ordered engrossed.

The President appointed Senator Farrar, instead of Senator Pfeuffer, to examine into the affairs of the Agricultural and Mechanical College.

Senate bill No. 25, "An act to abolish the office of fish commissioner and dispose of all fish ponds and other property connected with or belonging to the fish department," was laid before the Senate in its regular order and read the third time.

Senator Terrell submitted the following amendment:

Amend by adding "that before said ponds and fish are sold or leased that 500 of the carp fish therein shall be transferred to the ponds owned by the State at Terrell, Texas."

Adopted by the following vote:

YEAS—21.

Bell,	Hall,	Pope,
Calhoun,	Harrison,	Randolph,
Camp,	Houston of Bexar,	Shannon,
Evans,	Houston of Wheeler,	Stinson,
Farrar,	Jerdone,	Terrell,
Fowler,	Peacock,	Traylor,
Getzendaner,	Perry,	Woods.

NAYS—4.

Davis,	Glasscock,	Johnson.
Garrison,		

ABSENT, NOT VOTING,

Pfeuffer.

The bill passed by the following vote:

YEAS—19.

Bell,	Getzendaner,	Peacock,
Calhoun,	Hall,	Randolph,
Camp,	Harrison,	Shannon,
Davis,	Houston of Wheeler,	Stinson,
Evans,	Jerdone,	Terrell,
Farrar,	Johnson,	Woods.
Garrison,		

NAYS—6.

Fowler,	Houston of Bexar,	Pope,
Glasscock,	Perry,	Traylor.

ABSENT, NOT VOTING.

Pfeuffer.

Senate bill No. 33, "An act to fix the venue of suits for the wrongful or malicious suing out of attachments," was laid before the Senate in its regular order, and

Read the third time and passed by the following vote:

YEAS—20.

Bell,	Farrar,	Glasscock,
Camp,	Fowler,	Harrison,
Davis,	Garrison,	Houston of Wheeler,
Evans,	Getzendaner,	Johnson,

Peacock,
Perry,
Randolph,

Shannon,
Stinson,
Terrell,

Traylor,
Woods.

NAYS—5.

Calhoun,
Hall,

Houston of Bexar, Pope.
Jerdone,

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 13, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed by the House to report to your honorable body the passage of House bill No. 144, "An act to amend article 4227, title 84, chapter 10 of the Revised Civil Statutes of the State of Texas."

A. D. SADLER,

Chief Clerk House of Representatives.

Referred to Committee on Internal Improvements, Senator Davis moved to reconsider and to lay that motion on the table.

Senator Pope moved a call of the Senate.

The call was seconded by the requisite number.

The call was completed, and

Senator Pfeuffer was found absent without excuse.

Senator Davis moved to excuse Senator Pfeuffer on account of sickness for to-day.

Adopted by the following vote:

YEAS—24.

Bell,	Glasscock,	Perry,
Camp,	Hall,	Pope,
Davis,	Harrison,	Randolph,
Evans,	Houston of Bexar,	Shannon,
Farrar,	Houston of Wheeler,	Stinson,
Fowler,	Jerdone,	Terrell,
Garrison,	Johnson,	Traylor,
Getzendaner,	Peacock,	Woods.

NAYS—1.

Calhoun.

The Senate was declared full, and

The motion of Senator Davis was adopted.

Substitute House bills Nos. 160 and 161, "An act to amend articles 595 and 610 of the Revised Statutes of the State of Texas," was taken up in regular order and read third time.

Senator Bell moved to postpone the pending bill till to-morrow.

Lost.

Senator Bell raised the point of order that the same provision has already been voted down once, and cannot be considered again.

Senator Pope moved to adjourn till 10 o'clock to-morrow morning.

Withdrawn.

Senator Farrar moved to excuse Senator Houston of Bexar till Monday.

Adopted.

Senator Pope renewed his motion to adjourn till 10 o'clock to-morrow morning.

Adopted.

TWENTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, February 14, 1885. }

The Senate met pursuant to adjournment.
Lieutenant-Governor Gibbs in the chair.